

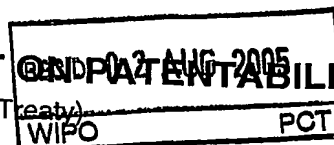
PATENT COOPERATION TREATY


PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/EP2004/000403		International filing date (day/month/year) 13.01.2004		Priority date (day/month/year) 12.06.2003
International Patent Classification (IPC) or national classification and IPC B65D81/32				
Applicant UNILEVER PLC				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 06.10.2004		Date of completion of this report 02.08.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Newell, P Telephone No. +31 70 340-3297		



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/000403

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-12 as originally filed

Claims, Numbers

1-9 as originally filed

Drawings, Sheets

1/1 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/000403

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	3
	No: Claims	1,2,4-9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following document/s/:

D1: WO-A-03/006320 (Procter & Gamble) 23 January 2003

D2: WO-A-97/46463 (Colgate-Palmolive) 11 December 1997

2.1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1,2 and 4-9 does not involve an inventive step in the sense of Article 33(3) PCT.

2.2. The document D1 discloses a multi-compartment dispenser comprising a deformable outer container body having a plurality of mutually separated compartments for separately storing desired dissimilar materials which may have different viscosities, the compartments being separated by at least one partition, with each compartment being provided with a discharge outlet adapted to provide a discharge aperture of an area proportional to the resistance to flow raised to an exponent whose value is greater than zero, said resistance to flow being of the material to be discharged from the respective compartments for controlled discharge of dissimilar materials from the discharge outlets.

The subject-matter of claim 1 therefore differs from this known dispenser in that the at least one partition is not described or claimed as being elastic. This feature, however, is stated, in D1 (see description, page 2), as being present in the state of the art (for example in D2) for the purpose of transmitting the compressive displacement of the outer walls of the tube.

D2 discloses the use, as part of its solution to the problem of how to improve controlled dispensing, of a partition of particular characteristics, among which is a pre-determined elasticity since the Shape Retention Index of the partition is disclosed as having values other than zero. Furthermore, an extensive list of materials, having various degrees of elasticity, useful for forming the partition, is disclosed on page 10 of D2.

Hence the features of claim 1 are all disclosed in D1 and their combination would therefore be obvious to the skilled man. Hence, the subject-matter of claim 1 cannot support an inventive step.

2.3. Referring to claim 2, the additional feature of determining the area of the discharge aperture by reference to the amount of material discharge required from that aperture (eg. doubling the area in order to double the amount discharged) is banal and would be obvious to the skilled man. Dispensing separately stored products from a multi-compartment dispenser in ratios other than unity is known per se from D2 (see page 1, lines 27,28).

2.4. The additional features of dependent claims 4, 6, 8 and 9 being disclosed in D1, the subject-matter of these claims cannot support an inventive step.

2.5. Dependent claim 5 does not contain any features which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of inventive step, see document D2 and the corresponding passages cited in the search report.

2.6. Dependent claim 7 does not contain any features which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of inventive step. Document D2 states (page 4, lines 19-26) that deformable, non-collapsible multi-compartment dispensers are known in the prior art.